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6 Attorneys for Plaintiff  
United States of America

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
11  
12 Plaintiff,  
13  
14 v.  
15 SHENG YEN,  
16  
17 Defendant.

CASE NO. 2:23-cr-00118-JAM

**STIPULATION REGARDING CONTINUANCE  
OF SENTENCING; FINDINGS AND ORDER**

DATE: February 13, 2024  
TIME: 9:00 a.m.  
COURT: Hon. John A. Mendez

16 **STIPULATION**

17 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
18 through defendant's counsel of record, hereby stipulate as follows:

- 19 1. By previous order, this matter was set for sentencing on February 13, 2024.  
20 2. By this stipulation, defendant now moves to continue the sentencing until **June 04, 2024,**  
21 **at 09:00 a.m.,** and to exclude time between February 13, 2024, and June 04, 2024.  
22 3. The parties agree and stipulate, and request that the Court find the following:  
23 a) The parties are not in a position to proceed to sentencing, and the probation  
24 officer needs additional time to prepare the pre-sentence report.  
25 b) Counsel for defendant believes that failure to grant the above-requested  
26 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
27 into account the exercise of due diligence.  
28 c) The government does not object to the continuance.

d) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 13, 2024 to June 04, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 1, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ ROGER YANG  
ROGER YANG  
Assistant United States Attorney

Dated: February 1, 2024

/s/ CANDICE L. FIELDS  
CANDICE L. FIELDS  
Counsel for Defendant  
SHENG YEN

### ORDER

IT IS SO FOUND AND ORDERED.

Dated: February 01, 2024

/s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
SENIOR UNITED STATES DISTRICT JUDGE